

REMARKS

Claims 19-22, 24-25 and 27-39 are pending. Claims 19-22, 24-36 stand rejected.

Reconsideration is respectfully requested. Applicant notes that claim 19 incorporates all of the elements and limitations of claim 23 which was initially indicated as allowable if rewritten. Similarly, claim 35 was initially indicated as allowable if rewritten. Applicant submits that the Trademark Manual of Examining Procedure requires that, "Great care should be exercised," in rejecting previously allowed claims. TMEP §706.04.

Applicant would like to thank the Examiner for his courtesy in discussing the recent claim rejection with Applicant's attorney, including the concerns in view of the rejection of claims previously indicated as allowable, and for suggesting avenues for potential amendments.

Rejection under 35 U.S.C. § 102

Claims 19-22, 24-25 and 27-36 stand rejected under 35 U.S.C. §102 in view of Ewall, U.S. Patent No. 4,977,892. Claims 37-39 have been added and do not comprise new matter, see, e.g. Application Page 2.

Applicant has amended claim 19 to better define the claimed invention and amended claim 19 is believed allowable. Claims 20-22, 24-25 and 27-39 are dependent upon claim 19 and are also believed allowable. Withdrawal of the rejection is respectfully requested. Further, although Applicant believes Ewall is moot in view of the above amendments, the following comments are made for clarity.

The normal physiological pathway for blood clotting is driven by coagulation that finally results in a fibrin mesh formation that traps red cells to form a clot. The latter may be through either the intrinsic or the extrinsic pathways and may be by delivery of calcium ions.

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“A material which promotes clotting via agglutination of red cells,” relates to clotting by a route which is not a normal physiological pathway. In this case clotting is not driven by the intrinsic or extrinsic pathway but by direct adhesion of red cell to red cell. This is called agglutination. Agglutination of red cells produces blood clotting. A material which causes such agglutination is chitosan. Information related to the plain meaning of the two mechanisms to those of skill in the art is enclosed as Exhibits A and B, TMEP 2111.01. Exhibit A is an extract from “Guidelines for Blood-Material Interactions” describing the normal physiological pathway outlined above. Exhibit B is an extract from “Advances In Chitin Science Vol. 2” and outlines the red blood cell adhesion (i.e. agglutination) mechanism – see particularly the final paragraph of the article. There is nothing in Ewall relating to promotion of agglutination. In any event, agglutination is not the normal clotting mechanism. As such, Applicant submits that agglutination is not “inherent” in clotting as suggested by the Examiner.

With regard to “calcium alginate,” the Examiner has referenced Ewall, Column 13, line 59. However, in the disclosure of Ewall, calcium alginate is not the wound contact layer and a breathable film as required by parts (i) and (iii) of claim 19.

Accordingly, the Ewall reference neither shows nor suggests calcium alginate or “a material which promotes clotting via agglutination of red cells,” as described and claimed in the present invention.

Applicant submits that claim 19 and its dependent claims are now in condition for allowance and action towards such is respectfully requested. If it would be helpful to this process, the Examiner is invited to contact Applicant's attorney at the telephone number listed below.

Respectfully submitted,

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